



State of New Hampshire
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Exeter Police Association

Complainant

v.

Town of Exeter

Respondent

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Case No: P-0753-15

Decision No. 2007-138

**ORDER ON EXETER POLICE ASSOCIATION'S
REQUEST FOR A CEASE AND DESIST ORDER**

BACKGROUND

The Exeter Police Association (the "Association") filed an unfair labor practice charge on September 25, 2007. The Association claims that the Town violated RSA 273-A:5, I (a), (c), (d), (e), (g), (h), (i) by: 1) unilaterally and without prior notice changed the manner in which eligibility for overtime pay is computed; and 2) eliminating the established and accepted practice for shift swaps among officers.

In his September 24, 2007 transmittal letter, counsel for the Association states:

Please note that the Association is requesting an immediate Cease and Desist Order under the provisions of New Hampshire RSA 273-A:6, III, as the Association believes and therefore avers that it is in the best interest of the public and the police officers of the Town of Exeter to maintain the Status Quo (of September 16, 2007) until this matter can be adjudicated.

The standards for issuing interim orders are set forth in Pub 304.02, which provides that:

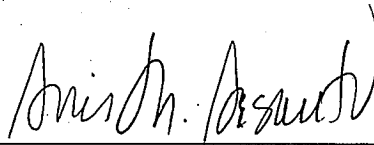
(a) When the board considers it to be in the public interest, it shall issue a cease and desist order under RSA 273-A:6, III pending a hearing under Pub 201.05.

(b) The board shall issue such an order for reasons to include, but not limited to:

- (1) Protection of the public safety;
- (2) To avoid prejudice to one party or another; or
- (3) To avoid irreparable harm.

The Association's request for a cease and desist order is denied. The Association has not established that a cease and desist order is necessary for one of the reasons listed in Pub 304.02 (b) or for a similar reason. The Association does not claim irreparable harm. The allegation that "it is in the best interest of the public and the police officers of the Town of Exeter to maintain the Status Quo (of September 16, 2007) until this matter can be adjudicated" is not enough to justify granting the requested relief given the factual allegations and claims contained in the complaint.

So ordered.
September 27, 2007



DORIS M. DESAUTEL, Alternate Chair

By unanimous decision. Alternate Chair Doris M. Desautel, Member Carol M. Granfield, and Member E. Vincent Hall present and voting.

Distribution:

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